

REVIEW

OF THE

STATE

OF THE

ENGLISH NATION.

Tuesday, February 12. 1706.

I Never made a Doubt, but some time or other, the Parliament would concern themselves to Enquire into the Intollerable Grievance to Trade, from the Knavery and Cunning of Designing Men. Publick Mischiefs always Cure themselves when they grow so Popular, and so Fatal, that they Alarm the Nation, and Awaken Sleeping Justice to enquire into the Consequences: Thus Lotteries, Royal Oaks, and such Nuisances of the Town obtain'd Redress, even by their own Magnitude, growing Scandalous to the Nation, and Nauseous to all that observ'd them.

The Mischiefs of Trade by Bankrupts, Fraudulent Breakings, and Barratry of the Tradesmen, have been so Publick, that frequent Laws have been made to Suppress them; but the Misfortune of this Nation

is, and that's what I am now Complaining of, that the Laws against Bankrupts and Debtors are become, by the Ill Conduct, both of Debtor and Creditor, as great a Grievance as the Crime.

And this is what I am now upon, and I begin with the Creditor, because there being a Bill depending in the House of Commons, to prevent and Punish Fraudulent Bankrupts, I shall in the course of this Head, say something, which I hope may be useful to prompt, if possible, our Legislators, to add an effectual Cure to this Evil.

The present thing I shall therefore Debate, is the properest Method, to prevent Fraudulent Breaking of Tradesmen; and here I must begin with the Negative, as in like Cases, and must say, *which I Question*

not I shall make out, that the Methods now taken in *England*, to pursue Bankrupts and Debtors, are so far from Answering the True end of the Law, that they are really an Encrease of the Number of Bankrupts, and an Encouragement to their Frauds; and to Explain this, I shall prove,

1. That Commissions of Bankrupt, tho' well design'd by the first Contrivers, are, as now practis'd in *England*, Pernicious to Trade, Destructive of the Interest both of Debtor and Creditor, and a very great occasion of the Common Frauds of Bankrupts, by making Men Desperate, and driving them to all Extremities, to Defraud and Cheat their Creditors.

2. That the Law lately made for the Perpetual Imprisonment of Debtors without Bail, and without Distinction of Circumstance; is Barbarous and Inhumane, in Practice Unjust, and Unequal in its Nature; Ruinous to Trade, and tending to make Men Desperate, and an Encrease of Fraudulent Ruptures in Trade.

When I have done this, I shall Attempt the Display of the Debtor-side of Villany, and Humbly offer, at some such proper Mediums of Restraint, both upon Debtor and Creditor, which being put into form, and reduc'd to Practice, may effectually prevent, or severely Punish Fraudulent Bankrupts, and duly Compassionate and Encourage the Miserable and Unhappy, who are willing to be Honest, are Industrious in Business, but Reduc'd by Casualty, unavoidable Decays, or other well accounted for Circumstances.

Those Gentlemen, who prompt Commissions upon every Fracture in Trade, meerly to Furnish themselves with Business, and let themselves into other Mens Estates, must Excuse me to tell them, I must Treat them very plainly by themselves; and tho' I doubt the Truths to be told upon that Head, will not Please them, since it will leave them to Account for the Ruine of a great many Honest Families, who with more gentle Usage, might have been Preserv'd; yet I hope they who are Employ'd in the Necessity without the Fraud, will not

think themselves at all Concern'd in it.

Violent Measures in the Case of Debtors, cannot be equally useful in all Cases, because Ruptures in Trade, proceed from various and different Causes; as no Measures can be too Severe, to prevent the Villainous Practices of wilful design'd Bankrupts; so no Tenderness can be too great with those Honest, Industrious, and Diligent Families, who fall into Evil Hands, by the meer Surprise of these Villainous Ruptures.

But what shall we then say, to the Executing these Commissions with equal Fraud and Dishonesty to the Knave they pretend to Detect; to recover the Debts of a Bankrupt, and having gotten them into their Hands, Employ them, neither to the Relief of Debtor or Creditor, neither to satisfy his just Debts, nor to free him from the Sorrows and Disorders of his Affairs; should I enter into a List of the Commissions of Bankrupt, which have been taken out, proceeded upon, and yet never Arriv'd to the Perfection of a Dividend, but have wasted all they have taken hold of in Expences, Entangled Law Suits, and a long *Excetera* of Oppressions and Violences among the Creditors; it would descend too low into the Lay-Stall of Trade, and Expose the very Nation it self.

But the Present Discourse aims more particularly to Examine, how the General Practice of Statutes and Commissioners, really tends to weaken the Publick, prevents rational Means of Restoring the Breaches of Trade, Exasperates Men, that being willing to Discover their Estates, and deliver their Effects to their Creditors, are Discourag'd by the furious Methods taken by Men of Unmerciful Principles; are Driven to all the Parts of Desperation, both upon themselves and their Effects, and which oftentimes ends in the Destruction of those Families that might be Sav'd, and might be render'd useful to the Publick; and of this, I doubt not to give such Demonstrable Accounts; as shall satisfy any Unprejudic'd Judges, and as may in Time, produce such Laws and

and Clashes, as shall refrain Men of Violence, from Ruining those, they ought to Preserve.

I am Glad to Write of this, in a time, when the Practice is grown up to such an Extravagant Excess, as to threaten Trade a second time; and when the Parliament, Alarm'd with the growing Evil, seem Enclin'd to Redress it, a Bill being now depending in the House, as I am told, to prevent it; I shall first enter a little into the Mischiet, and then Discourse upon the Remedies.

I had the Good Fortune, to be the first that Complain'd of this encroaching Evil in former Days, and think my self not too Vain in saying, my Humble Representations, in a Day when I could be heard, of the abominable Insolence of Bankrupts, practis'd in the *Mint* and *Fryars*, gave the first Mortal Blow, to the Prosperity of those Excesses.

The Evil was indeed grown up to a monstrous height in those Days; and nothing was more frequent, than to have a Man in full Credit, Buy all the Goods he could lay his Hands on, and Carry them directly from the House he bought them at, into the *Fryars*, and then send for his Creditors and Laugh at them, Insult them, shewing them their own Goods untouch'd, offer them a Trifle in Satisfaction, and if they refused it, bid them Desyance; and I cannot Refrain Vouching this of my own Knowledge, since I have more than many times been serv'd so my self.

And as I printed my Thoughts of this Nuisance many Years ago, and of the little Advantage, or rather great Disadvantage, Commissions of Bankrupts were in the Case, I Crave the Liberty, tho' something unusual to Quote in n: next, so much of it, as is necessary to recover the Memory of this Mischief to the World.

MISCELLANEA.

THE following Question, has been sent me under Sundry Forms, upon the several Changes of Affairs in the North.

WHAT is your Opinion of the War in POLAND?

This Question contains four very distinct Cases;

1. Relating to the King of Sweden,
2. Relating to the King of Poland,
3. Relating to the Czar of Muscovy,
4. Relating to the New made King Stanislaus.

As far as I may venture my Opinion of his Swedish Majesty, without Disobliging his Ambassador, I shall speak very plain.

1. All those People, who once fancy'd the King of Sweden Fighting the Cause of Religion in Poland, and that having a

just Provocation, he would make use of the Occasion, to Restore the Protestant Religion there, have now Leisure to find themselves Mistaken; and that his Swedish Majesty Fights for Religion, just as other Princes do, when it comes in their way, but when they find they can't Answer their other ends, without quitting the Sacred Pretence, they generally let it drop in the Management, and make Peace without it, as now appears in the Treaty, between King Stanislaus, and the King of Swedenland, and as it was once before, in the Case of the Palatinate at the Treaty of Ryswick.

2. If the King of S—land had Capitulated, for the Restoring the Protestant Religion in Poland, His Majesty had but done justice to the Poles, for the Injury done by his Ancestor, C—us G———, who